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Birch, Stewart, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
Toporoik et al. : DECISION
Application No.: 09/890,456 :
PCT No.: PCT/IL00/00736 : ON
Int. Filing Date: 10 November 2000 :
Priority Date: 10 November 1999 : PETITION
Attorney Docket No.: 2786-0185P :
For: Chordin-Like Homologs :

This is in response to applicant's "Letter Submitting Additional Documents For Entering National Phase For A PCT Application" filed on 10 April 2002, which is being treated as a petition to accord certain papers a date of filing based on postcard evidence.

BEST AVAILABLE COPY

BACKGROUND

International application PCT/IL00/00736 was filed on 10 November 2000 and claimed an earliest priority date of 10 November 1999. The International Bureau transmitted a copy of the published international application to the USPTO on 17 May 2001. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Consequently, the 30 month period for payment of the basic national fee in the United States expired as of midnight on 10 May 2002.

On 01 August 2001, applicant filed, *inter alia*, the basic national fee.

On 19 October 2001, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the filing of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497 (a) and (b), an initial or substitute computer readable form (CRF) of the "Sequence Listing," and a statement that the contents of the paper or compact disk are the same and, where applicable, contain no new matter.

On 09 November 2001, applicants filed a sequence listing, CRF of the sequence listing, and an appropriate statement.

The instant papers were filed on 10 April 2002.

DISCUSSION

The papers filed on 10 April 2002 include a copy of a "Letter Submitting Additional Documents For Entering National Phase For A PCT Application," a copy of a signed

Declaration, and a copy of a return postcard receipt itemizing said papers and stamped as received by the USPTO on "NOV 9 2001." MPEP 503 states in part that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." In this case, the papers filed on 10 April 2002 are unsigned and thus they do not include a statement by counsel that the accompanying papers are true copies of the papers itemized on and filed with the return postcard receipt. Thus, it would not be appropriate to accept the copies of the papers (including the declaration) filed on 10 April 2002 as copies of the papers as filed on 09 November 2001.

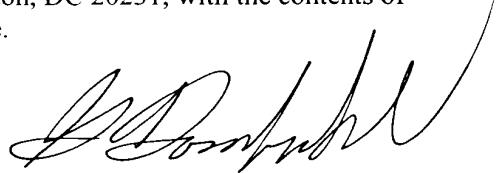
DECISION

The petition is **DISMISSED**, without prejudice.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



George Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459